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## **Abstract**

### **The State of UN Peacekeeping: Lessons from Congo**

The article considers the state of UN peacekeeping through the prism of its long-running operation in the Democratic Republic of the Congo. Focusing in particular on the challenges raised by use of force and the protection of civilians in conditions of on-going armed conflict, it argues that UN field operations must be aligned much more closely than they have been over the past fifteen years to political and diplomatic efforts aimed at securing viable political settlements to internal conflict. The issues raised by the history of the UN's troubled mission in Congo are deeply relevant to the wider discussion of the organisation's role in the field of peace and security.

## The State of UN Peacekeeping: Lessons from Congo

Mats Berdal

In October 2014, with the end of his second term as secretary-general of the United Nations well within sight and the 70<sup>th</sup> anniversary of the organisation fast approaching, Ban Ki-Moon announced the establishment of a High-Level Independent Panel on Peace Operations. The panel, chaired by Jose Ramos-Horta, former President of Timor-Leste, was asked to provide “a comprehensive assessment of the state of UN peace operations today, and the emerging needs of the future.”<sup>1</sup> The last such review had been led by Lahkdar Brahimi, some fifteen years earlier.<sup>2</sup> It was time for an update: “The world is changing and UN peace operations must change with it if they are to remain an indispensable and effective tool in promoting international peace and security.”<sup>3</sup>

The present article examines the state and challenges of UN peacekeeping through the prism of its long-running operation in the Democratic Republic of Congo (DRC).<sup>4</sup> It is premised on the view that the troubled history of the UN’s involvement there since 1999, while it is a story that is of interest in its own right, also raises wider issues about the UN’s role in international peace and security, issues that go well beyond the discussion of how best to reform and improve the UN’s machinery for peacekeeping. The article is especially concerned with two sets of issues arising out of the UN’s Congo mission, both of which go to the heart of the larger strategic question of whether and how UN peacekeeping can be made to serve as an “effective tool” in the field of peace and security.

The first of these concerns the use of force in UN peacekeeping and, more specifically, its utility in terms of advancing the protection of civilians (POC) in armed conflict. When peacekeeping first emerged as a distinctive activity of the UN in the 1950s, one of its chief and defining characteristics was the “prohibition against any *initiative* in the use of force.”<sup>5</sup> Along with the principles of consent and impartiality, this attachment to the minimum use of force except in self-defence came to constitute the core principles of so-called classical peacekeeping. Ever since the horrors of Angola, Somalia, former Yugoslavia and Rwanda in the first half of the 1990s, however, a combination of normative, operational and political pressures has prompted a shift – evident in policy debates, operations and

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<sup>1</sup> “Statement by the Secretary-General”, 31 October 2014.

<sup>2</sup> S/2000/809, 21 August 2000 (“Brahimi report”).

<sup>3</sup> “Statement by the Secretary-General”, 31 October 2014.

<sup>4</sup> Throughout this article the term Congo refers to the DRC.

<sup>5</sup> “Summary Study”, A/3943, 9 October 1958.

numerous Security Council resolutions – in favour of greater “robustness” and a widening of the remit for the use of force by “blue helmets”. This trend has been especially notable in the DRC, where it culminated in the decision by Security Council in March 2013 to strengthen MONUSCO with the creation of a Force Intervention Brigade (FIB) whose mandate would be “to carry out targeted offensive operations ... in a robust, highly mobile and versatile manner.”<sup>6</sup> Inextricably linked to the increased emphasis on “robustness” and the greater willingness to experiment with the use of force, has been the growing importance of civilian protection as a mandated task for UN peacekeepers. Notwithstanding these developments, the record of UN’s achievement in the DRC remains, on balance, profoundly discouraging. By late 2015, an estimated seventy armed groups were operating in Eastern Congo and the number of internally displaced (IDPs) in the whole of the country was over 1.5 million.<sup>7</sup>

The deeper reason for this dismal picture is closely connected to the second set of issues alluded to above: the challenges and inherent limitations arising out of the UN’s role as a third-party actor in complex civil wars. As will be argued more fully, the central question arising out of the UN’s peacekeeping operation in the DRC is whether the UN, as an intergovernmental, intensely political and bureaucratically fragmented organisation, is, or ever will be, structurally equipped and politically suited to take on a *coercive* role in internal conflicts and civil war-like situations. If, as the UN’s experience in the DRC overwhelmingly suggests, the obstacles to assuming such a role remain formidable, it raises the additional question of whether the drift toward robust peacekeeping has itself detracted from, or even undermined, the pursuit of more promising ways in which the UN and its peacekeeping instrument can help to mitigate and resolve seemingly intractable conflicts. In short, has the shift towards greater robustness forced peacekeeping into a dead end? If so, in what directions should the focus and priorities of peacekeeping be reoriented? The very fact that four of the UN’s largest missions after the DRC – in Darfur, the Central African Republic (CAR), Mali, and South Sudan – continue to operate with robust mandates and POC responsibilities in conditions where there is precious little peace to keep, makes exploring these questions all the more important.

### Structure and Argument in Brief

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<sup>6</sup> S/RES/2098, 28 March 2013.

<sup>7</sup> Jason Stearns and Christoph Vogel, “The Landscape of Armed Groups in the Eastern Congo”, Congo Research Group, CIC, December 2015; and [www.internal-displacement.org/database/country?iso3=COD](http://www.internal-displacement.org/database/country?iso3=COD)

The article proceeds in three parts. Part one examines developments in UN peacekeeping since its resurgence in the late 1990s. It traces important changes in the geopolitical and normative balance of influences bearing on UN peacekeeping, but also highlights equally, if not more, important elements of continuity in the history of UN field operations, evident both in the UN's *modus operandi* and in the nature of the challenges presented by third-party intervention in civil-war like situations. The elements of change and continuity thus outlined provide an essential context within which a more detailed analysis of the UN's Congo mission can be placed.

Part two turns in greater detail to the organisation's mission in the DRC, focusing above all on the issues raised by the use of force and the protection of civilians. It is particularly concerned in this respect with the record of the FIB whose creation Ban Ki-Moon at one point hailed as a "milestone" in the evolution of UN peacekeeping.<sup>8</sup> It argues centrally that the history of the UN's travails in Congo is of wider interest because it captures, perhaps more starkly than any other mission, many of the underlying and unresolved tensions currently at the heart of UN peacekeeping. In particular, it highlights the growing disconnect between, on the one hand, increasingly ambitious mandates reflecting a shift in the normative aspirations surrounding peacekeeping, and, on the other, a persistent failure by the Council to provide strategic direction, and by the membership at large to provide adequate resources, for operations. Without these conditions in place, it has proved, and will continue to prove, impossible to translate normative aspirations into *realisable* objectives for peacekeepers on the ground.

Finally, building on but looking beyond the UN's chequered history in Congo, the article turns to the wider lessons regarding the use of force and considers their implications for the role that peacekeeping, alongside other instruments at the UN's disposal, can play in promoting international peace and security. It argues, centrally, that UN field operations – in conception, design and operational focus – must be tailored and aligned much more carefully than they have been over the past decade and a half to political and diplomatic efforts aimed at securing and consolidating viable settlements to internal conflict. Encouragingly, this is also one of the clearest and most important messages to emerge from the report of Ramos-Hortas' High Level Panel, presented to the secretary-general in June 2015.<sup>9</sup>

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<sup>8</sup> "Secretary-General's Remarks at Security Council Debate", 11 June 2014.

<sup>9</sup> "Uniting Our Strengths for Peace – Politics, Partnership and People", 16 June 2015.

The article concludes by calling for a revitalisation of UN's role as a political actor actively engaged in searching for, mediating and mobilising support for political settlements.

### **Elements of Change and Continuity in UN Peacekeeping, 1999-2016**

It is easy to dismiss Ban Ki-Moon's assertion that "the world is changing and UN peace operations must change with it" as little more than a throwaway line designed to justify his decision, taken without prior consultation, to set up a large-scale review of UN peace operations. It is nonetheless a claim that merits further scrutiny. To assess it critically, however, a conceptual distinction needs to be drawn, and the relationship explored, between two levels of change and continuity.

The first of these covers a set of broader *contextual factors* that have always, whether directly or indirectly, had a critical bearing on the practice of UN peacekeeping. These include, in the first instance, the state of political relations among the members of the Security Council, especially its five permanent members (P5), and the impact of those relations at any one point on the dynamics of Council decision-making; second, the evolving normative climate of international relations and its impact on the expectations surrounding UN peacekeeping; and, third, the machinery and workings of the organisation that support peacekeepers in the field.

The second area covers, more straightforwardly, *specific developments* in the practice of UN peacekeeping that have taken place over the past decade and a half. Influenced in complex and paradoxical ways by Council politics, normative pressures and organisational constraints, these, too, may usefully be grouped under three headings: those relating to the demand for and supply of peacekeeping troops; those relating to the tasks and mandates formally entrusted to peacekeepers; and, finally, developments relating to the basic principles and rules that have historically governed the conduct of operations, including the use of force.

#### **The Evolving Context of UN Peacekeeping: Geopolitics, Norms and Organisation**

UN peacekeeping operations are authorised by the Security Council, which draws up, through a process of political consultation, accommodation and bargaining, the mandate for individual missions. Ideally, that process should translate into a mandate that is credible,

internally consistent, adequately resourced and achievable. Even at the best of times, however, peacekeeping mandates – the outcome of what is usually an intensely political process – have tended to fall short of the ideal. It is hardly surprising therefore that the steady deterioration of relations among the P5 – a feature of the entire period under review but one that has intensified markedly since 2011 – should have affected Council politics and mandate formulation in adverse fashion.

Especially significant has been the worsening of relations between Western Council members and Russia under the regime of Vladimir Putin since Ban-Kim Moon became Secretary-General in January 2007.<sup>10</sup> Following the NATO-led intervention in Libya in 2011 and its messy aftermath, relations have deteriorated still further, fuelled by profound disagreements over policy towards the civil war in Syria and the wider Middle East, and, above all, by the fall-out from Russia's transparently illegal annexation of Crimea in March 2014.<sup>11</sup> The extent to which relations have changed from a period of comparative harmony among Council members in the early post-Cold War era to the present, was evident in the open debate on the UN's role in international peace and security held in February 2015, during which Sergey Lavrov, dispensing with diplomatic niceties, lambasted the US for pursuing "the illusory goal of world domination" and for turning the Council itself into "a platform for propagandised confrontation".<sup>12</sup> There has been a tendency among some UN-watchers to view this kind of language and, more generally, Russian positioning and manoeuvring within UN forums, as no more than an attempt by Moscow to assert Russia's status as a Great Power. While this is undoubtedly a key motivation behind Putin's foreign policy behaviour, focusing on it alone is to ignore deep and genuine differences over interests and values among leading Council members. On a wide range of substantive issues, there is no escaping the fact that "Moscow and the West have competing, conflicting and entirely incompatible agendas".<sup>13</sup> The resulting tensions are increasingly impacting directly and negatively on UN operations, as well as on the organisation's scope for constructive political action in relation to on-going conflicts, in places such as South Sudan and Burundi.<sup>14</sup>

Although a different dynamic is at work, relations between Western powers and China on the Council have also taken a turn for the worse, in particular, following NATO's

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<sup>10</sup> Over this period Russia has cast its veto 10 times. By contrast, over the previous 20 years, it used the veto on only three occasions.

<sup>11</sup> Security Council, 7138<sup>th</sup> Meeting, 15 March 2014, S/PV.7138.

<sup>12</sup> "Sergey Lavrov, Address at Security Council", New York, 23 February 2015.

<sup>13</sup> Keir Giles, et al, *The Russian Challenge*, Chatham House Report, June 2015, p.1.

<sup>14</sup> Richard Gowan, "Burundi Crisis Latest Victim of Russia-West Standoff at UN", *World Politics Review*, 9 November 2015. For an astute analysis of "Russia's preferred tactics" at the UN, see Richard Gowan, "Bursting the UN Bubble: How to Counter Russia in the Security Council", ECFR, June 2015, p.3.

military intervention in Libya.<sup>15</sup> At the same time, substantive differences over the question of intervention for humanitarian purposes have crystallised more sharply between Western and “emerging” powers, notably India, Brazil, and South Africa, all of whom are important troop contributors to UN operations.

In what ways have these developments, and the power political realignments they signify, influenced the Council’s engagement with peacekeeping? First and, on the face of it, most strikingly, the loss of collegiality among the P5 has not prevented the Council from authorising new missions. Indeed, since 1999, 21 new operations have been established and the total number of personnel deployed – some 125,000 in late 2015 – remains close to an all time high.<sup>16</sup> The explanation for this paradox lies in a combination of two factors.

On the one hand, it is clear that the Council’s readiness to establish new missions points to the persistence of a long-standing tendency of which the Brahimi Panel was especially critical, namely, using peacekeeping operations to demonstrate resolve and give the appearance of action without providing the resources and political commitment necessary for the mission to stand much chance of success. To this one may add the habit – especially pronounced when Council members are divided over policy yet do not consider their vital interests to be at stake – of dumping particularly intractable problems on the UN. Although these tendencies have been more transparently in evidence in some cases than in others, the fact remains that few, if any, of the mandates given to missions since 2000 have met Brahimi’s ideal requirements of clarity, credibility and achievability.<sup>17</sup> While achieving perfect clarity will always prove illusory, the tendency for operations to be driven by factors extraneous to the conflict itself has plainly been aggravated by the deep divisions that now exist within the Council. The most serious operational consequence of this lies in its impact on the Council’s ability – not impressive at the best of times – to provide strategic direction and effective political support for peacekeepers on the ground.

This still does not wholly explain the high number of new operations launched, and it is here that the second contextual factor alluded to comes into play: the Council’s willingness to authorise new missions also reflects important changes in the normative climate and expectations bearing on peacekeeping. That this should be so is hardly surprising. The driving motivation behind the creation of the Brahimi Panel was the desire to ensure that the horrors of Rwanda and Srebrenica would never be repeated on the UN’s

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<sup>15</sup> Although the veto has been cast jointly by China and Russia on 6 occasions since 2007, it would be wrong to view them as locked in a permanent commonality of interest and outlook, something that is clear, inter alia, from China’s ambiguous response to Russia’s annexation of Crimea.

<sup>16</sup> See <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>

<sup>17</sup> “Brahimi report”, paras 56-64.



watch, and the actions and inactions of UN peacekeepers in those two instances have provided an essential frame of reference for subsequent discussions about the responsibilities and expectations of blue helmets. They also provided the defining historical backdrop to the emergence of the Responsibility to Protect (R2P) – the idea that individual states and, should they fail, the “international community, through the UN”, have a “responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.”<sup>18</sup>

It is true that the extent to which “purely” humanitarian considerations actually displace interest-based and power-political calculations when states authorise missions under UN auspices can easily be exaggerated. Certainly, a decade on from the General Assembly’s endorsement of the R2P in principle, there is, plainly, no agreement among states about the criteria for intervening forcibly on humanitarian grounds, nor is there any evidence to suggest that solidarist values have been widely internalised among member states. As for the “operationalization” of R2P, as distinct from the general principles underlying it, it remains deeply contested.

For all this, and notwithstanding the deterioration of relations among the P5, the shift in normative climate has clearly influenced peacekeeping, even though it remains only *one* of the factors that have prompted the Council to establish new missions. Thus, less than a month after Russia’s annexation of Crimea, the Council voted unanimously in favour of establishing a new, ambitious and large-scale operation in the Central African Republic.<sup>19</sup> Despite massive logistical challenges, operational overstretch, and tensions among Council members, MINUSCA was entrusted with a Chapter VII mandate that placed the protection of civilians at risk from mass atrocity crimes at the centre of its mission. This is not the only mission to have been set up in such circumstances. As such, it points to a more general and paradoxical effect of developments since 2000: contrary to the recommendations of the Brahimi Report, the Council has increasingly come to authorise peacekeeping operations where there is no peace to keep, and, critically, has done so without a lessening of ambitions or a reduction in the range of operational tasks given to peacekeepers. A deeply problematic consequence of these developments has been for UN missions to find themselves assigned with a range of competing, often conflicting, objectives.

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<sup>18</sup> “2005 World Summit Outcome”, A/RES/60/1, para. 139.

<sup>19</sup> S/RES/2149, 10 April 2014. A few days later, in a resolution marking the twentieth anniversary of the Rwanda genocide, the Council unanimously reaffirmed the relevant paragraphs of the 2005 Outcome Document on the R2P. S/RES/2150 (2014), 16 April 2014.

If Council politics and the normative expectations surrounding UN peacekeeping represent areas of change since 1999, though they are complex and contradictory in their effects, among those things that have not changed are certain fundamental characteristics of the UN as an organisation. Indeed, Conor Cruise O'Brien, though he was writing in the late 1960s, perceptively captured basic truths that remain valid to this day. "The very word 'organisation'", he observed, "is deceptive in that it suggests a disciplined and co-ordinated effort to reach some concrete end ... while the UN moves, under the stress of conflicting impulses, and in rather chaotic ways, towards ends, which are defined in only the most general terms, and about the precise definition of which the highest management is permanently divided."<sup>20</sup> While there are areas of policy that provide partial exceptions to this picture, the UN remains an intensely political institution whose agencies and programmes have always enjoyed a high degree of functional autonomy, notwithstanding bouts of reformatory zeal displayed by secretary-generals throughout its history. These realities, an inescapable consequence of power politics and intergovernmentalism at the heart of the organisation, are too often factored out of discussions about UN reform. And yet, they are crucial to any assessment of the *actual* functioning and performance of the UN, also in the field of peacekeeping. The Sisyphean quality of the many efforts undertaken to strengthen support for UN missions in the field – including attempts to rationalise arcane and dysfunctional regulations governing procurement and financing; creating a dependable logistics support system; introducing a less headquarters-focused human resources policy; rationalising mission analysis and planning processes – can only be fully understood in light of these, essentially political, constraints. Depressingly, in its diagnosis of the "structural dysfunctions" bedevilling the system meant to serve peacekeepers on the ground, Ramos-Horta's High Level Panel found that things have, if anything, gotten worse over the past fifteen years: "The messages the Panel has received from the field have been resounding: UN administrative procedures are failing missions and their mandates."<sup>21</sup>

#### Developments in UN Peacekeeping Practise

The geopolitical changes, normative pressures and organisational constraints sketched above provide the backdrop for and help explain more specific developments in

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<sup>20</sup> Conor Cruise O'Brien, *Sacred Drama* (New York: Simon & Schuster, 1968), p. 18.

<sup>21</sup> "Uniting Our Strengths for Peace", para. 289. For the persistence of the challenges facing the UN in the above-mentioned areas, see Marrack Goulding, *Practical Measures to Enhance the UN's Effectiveness in the Field of Peace and Security*, Report Submitted to the Secretary-General of the UN, New York, 30 June 1997.

UN peacekeeping over the past decade and a half: developments relating to the demand and supply of personnel; to the mandate and operational focus of missions; and to the more robust use of force by peacekeepers.

With the current number of uniformed personnel on peacekeeping duty hovering around 105,000, up from less than 20,000 in 1999 and comfortably above the previous peak of nearly 80,000 in September 1994, both the demand for UN peacekeepers and the tempo of operations have never been greater. The inevitable strains placed by sheer numbers on the UN's peacekeeping machinery have only been aggravated by the tendency to deploy in conditions where there is little or no peace to keep. Operating effectively in such environments has been further hampered by the absence of surge capacity and a long-standing, seemingly chronic, shortage of specialist capacities and enablers in key areas such as engineering, intelligence, aviation (especially dedicated helicopter support) and logistics. These weaknesses, which crucially affect the tactical mobility and operational flexibility of forces, have become more acute as a result of important changes in the supply and composition of UN troops since the 1990s. While the top financial contributors to UN peacekeeping continue to hail from the West and Japan – with the US paying nearly 30 per cent in a league of its own – troop requirements for UN activities are now overwhelmingly met by the developing world, with the “big three” South Asian countries of Bangladesh, Pakistan and India providing around 30% of the total, followed by Ethiopia, Nepal, Rwanda, Senegal and Ghana, all making significant contributions of both soldiers and police.<sup>22</sup>

Since the withdrawal of Western and traditional TCCs from Afghanistan, there has been much talk of a “return to UN peacekeeping” by these countries, including by the UK, Canada, Norway, Sweden, Netherlands and Denmark.<sup>23</sup> This was also a prominent theme of the UN Leaders' Peacekeeping Summit held in September 2015, the first of its kind, which generated headlines suggesting a renewed commitment to peacekeeping, including offers by Western countries of “niche capabilities” to plug gaps in peacekeeping performance.<sup>24</sup> A careful reading of detailed commitments and formal pledges made, however, aided by the knowledge of how past promises and initiatives have fared, should induce great caution, if not cynicism, about the substantive outcome of the summit. While offers should be scrutinised for their potential value – President Obama, for example, held out the prospect of US engineering and logistical support for UN missions, while China proposed to set up an

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<sup>22</sup> [www.un.org/en/peacekeeping/contributors/2015/apr15\\_2.pdf](http://www.un.org/en/peacekeeping/contributors/2015/apr15_2.pdf)

<sup>23</sup> Adrian Johnson, “Back in Blue? A British Return to United Nations Peacekeeping”, *RUSI Journal*, Vol. 160, No. 1, February 2015.

<sup>24</sup> “Declaration of Leaders' Summit on Peacekeeping”, 28 September 2015.

8,000-strong “standby force” – there is little to suggest a major departure from recent trends.<sup>25</sup>

As far as the future of UN operations is concerned, the significance of the shift in the composition and weighting of TCCs is twofold. First, while the individual soldiering skills and performance of countries that now provide the bulk troops to UN operations have often been subject to unfair generalisations, their ability to operate effectively as formed units in “non-permissive” environments plainly is, and will remain, severely limited by weaknesses and persistent shortages of enabling capabilities. Second, the now dominant TCCs, notably India but also Bangladesh, Pakistan and several Latin American countries, have, as a general rule, been far more reticent about the use of force in UN operations and have been especially sceptical of calls for ever more robust peacekeeping. Not unconnected to this, many of them have also resented their exclusion from the decision-making process about peacekeeping mandates.<sup>26</sup>

In terms of mandate and operational focus, the single most important change since 1999 has been the rise of the “Protection of Civilians” (POC) as a task formally entrusted to UN peacekeepers, a development closely connected to the shift in normative aspirations outlined above. Not only has POC become a regular item on the Council’s agenda but, more significantly, beginning with the mission to Sierra Leone in October 1999, UN peacekeepers have routinely and expressly been mandated under Chapter VII “to afford protection to civilians under imminent threat of physical violence”.<sup>27</sup> The challenges and distinctly uneven record of providing such protection have not prevented the Council from requiring UN peacekeepers to place it at the centre of their missions. Thus, Martin Kobler, head of the UN’s mission in Congo, sought to capture a wider trend when, in October 2014, he told the Council: “the protection of civilians is more than a mandated task, it is our *raison d’être* in the DRC and a moral imperative of the UN.”<sup>28</sup>

This growing focus on civilian protection is also a key factor behind the calls for more muscular or robust peacekeeping that have been such a notable feature of contemporary peacekeeping practice and discourse.<sup>29</sup> Since 1999 the Council has routinely given peacekeepers authority under Chapter VII to “use all necessary means” (or “take the necessary action”) to accomplish their mission. In a number of individual operations, notably

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<sup>25</sup> For an astute analysis of Summit, see Richard Gowan, “Red China’s Blue Helmets”, [www.brookings.edu/blogs/order-from-chaos/posts/2015/09/30-un-peacekeeping-commitments-gowan](http://www.brookings.edu/blogs/order-from-chaos/posts/2015/09/30-un-peacekeeping-commitments-gowan).

<sup>26</sup> See “PM Narendra Modi’s Statement”, 29 September 2015.

<sup>27</sup> S/RES/1270, 22 October 1999.

<sup>28</sup> 7288<sup>th</sup> Meeting, 27 October 2014, S/PV.7288.

<sup>29</sup> “DPKO-DFS Concept Note on Robust Peacekeeping”, DPKO, UN, 2009.

in Sierra Leone, Haiti and the DRC, that authority has in turn provided the basis for a far more proactive approach to the use of force than has historically been the case. Running parallel with these developments have also been various attempts, undertaken within and outside the Secretariat, to achieve “doctrinal and conceptual clarity” on the subject of the use of force in UN peacekeeping.<sup>30</sup>

To assess the significance of these developments, how they have come together and their implications for the future of UN peacekeeping, it is necessary to turn to the actual performance and record of peacekeepers on the ground in the DRC.

## **The UN Peacekeeping Operation in the DRC**

### From “observation and monitoring” to “targeted offensive operations”, 1999-2013

The return of the UN peacekeepers to the Congo after 35 years was initially a small-scale affair.<sup>31</sup> Following the Lusaka Ceasefire Agreement of August 1999, which, for a brief period, it was hoped would mark the end of the Second Congo War, the UN deployed a small monitoring mission to the country, the UN Organisation Mission in the DRC (MONUC).<sup>32</sup> The language accompanying this initial deployment reflected the normative aspirations and “never-again” sentiment that infused discussions of peacekeeping following the disasters of the 1990s. Neither the Council nor the Secretariat, however, envisaged a proactive role for the mission beyond mere monitoring and observation of the hoped-for ceasefire, tasks that would have proved challenging in any event given the size of the country, the state of its infrastructure and the very limited capabilities of the force that was being deployed. What began as a modest observer force, however, quickly grew in size, eventually becoming the UN’s largest field operation with an overall strength of some 22,000 uniformed personnel, and, crucially, with an increasingly ambitious, complex and partly conflicting set of goals.

The UN’s deepening involvement in Congo after 1999 was driven by the fact that war and profound insecurity in the eastern part of the country continued to be the norm

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<sup>30</sup> Thierry Tardy, “A Critique of Robust Peacekeeping in Contemporary Operations”, *International Peacekeeping*, vol. 18, no.2, 2011.

<sup>31</sup> For an authoritative background to the protracted emergency in the DRC, set in motion by the cataclysm of Rwanda genocide in 1994, the subsequent refugee crisis in eastern Congo and two Congo Wars, see Jason Stearn, *Dancing in the Glory of Monsters* (New York: Public Affairs, 2011), and Gérard Prunier, *Africa’s World War – Congo, the Rwanda Genocide and the Making of a Continental Catastrophe* (Oxford: OUP, 2009).

<sup>32</sup> S/RES/1279, 30 November 1999.

after 1999, at a horrific cost to civilian populations. Indeed, as Gérard Prunier has perceptively detailed, what followed the Lusaka process was not an end to the war but rather “the disintegration of a ‘rational’ war into a myriad of ‘privatized’, socially and economically motivated sub-conflicts.”<sup>33</sup>

In July 2002, a formal peace accord reached in Pretoria between the DRC and Rwanda envisaged the withdrawal of Rwandan troops from the DRC and the “simultaneous” dismantling of *ex-Forces armées rwandaises* (ex-FAR) and *Interahamwe* militias in the east, the latter in order to meet Rwanda’s long-standing security concerns.<sup>34</sup> Later that year, the main Congolese parties to the war signed an *Accord global et inclusif*, the outcome of long-running negotiations that set out the modalities and arrangements – including, crucially, over power-sharing and the integration of armed forces – that would govern a three-year transitional period through to multiparty elections scheduled for 2006, the first such elections to be held in the country in over forty years. The accord, concluded on 16 December 2002, was signed by 11 parties, six of which, crucially, had armed forces of their own.

These developments shaped the dynamics and underlying political economy of conflict in important ways. They did not, however, amount to a broad-based political settlement among social groups and, in particular, among the politico-military elites that control and regulate access to power and resources in what was, and remains, an acutely weak state. For this reason, they also did not bring an end to recurring cycles of violence and atrocities against civilians in the east. If anything, insecurity deepened, fuelled by a complex interaction of long-term and proximate causes, including the malign effects of local and regional economic agendas developed around the control and exploitation of the area’s natural resources,<sup>35</sup> the persistence of deep socio-economic and ethnic grievances, and, not least, the proliferation and fragmentation of armed groups resulting from the failure of meaningful Security Sector Reform.<sup>36</sup> Of particular significance for the UN operation was the failure to create an integrated and truly credible Congolese Army, *Forces Armées de la République Démocratique du Congo* (FARDC).

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<sup>33</sup> Prunier, *Africa’s World War*, p.225. See also, “Neither war nor peace in the DRC: profiting and coping amid violence and disorder”, *Review of African Political Economy*, No.135, Vol.40, 2013.

<sup>34</sup> “Secretary-General Hails Pretoria Agreement”, [www.un.org/press/en/2002/sc7479.doc.htm](http://www.un.org/press/en/2002/sc7479.doc.htm).

<sup>35</sup> “Special Report on Bisiye Mine”, MONUC Kinshasa (Natural Resources and HR Unit), 25 April 2008.

<sup>36</sup> For a trenchant analysis of the dynamics at work resulting in a “militarization of politics” and a metastasis of armed groups in the DRC following the formal Peace Accord and the power-sharing deal on which the transition process was predicated, see Jason Stearns, Judith Verweijen, Maria Eriksson Baaz, *The National Army and Armed Groups in the Eastern Congo* (London: Rift Valley Institute, 2013), pp.20-39. For the historical context and roots of the crisis in eastern Congo, see also René Lemarchand, “Reflections on the Recent Historiography of Eastern Congo”, *Journal of African History*, vol.54, no.3, 2013.

For UN peacekeepers, the acute and persistent vulnerability of civilian populations in the east was cruelly and repeatedly exposed in a series of “protection crises”: in Kisangani in 2002, Ituri in 2003, Bukavu in 2004, and Goma in 2008 and 2012. Of particular significance, setting the pattern for subsequent crises and exposing contradictions at the heart of UN’s mission, was the Ituri crisis.

The inability of under-resourced and poorly equipped UN troops to halt widespread killings, atrocities and displacement in the spring of 2003,<sup>37</sup> prompted the UN secretary-general to ask the Security Council for a “well-equipped multinational force, under the lead of a Member State” to provide security and protection for civilians in Bunia, the regional capital of Ituri, then on the verge of being overrun.<sup>38</sup> With France agreeing to act as “framework nation” for an EU force, the Council authorised the deployment of an Interim Emergency Multinational Force (IEMF) to the town of Bunia on 30 May 2003.<sup>39</sup> Codenamed *Operation Artemis*, the IEMF deployed in early June 2003, shored up the UN’s precarious position in the town and helped to “stave off an impending humanitarian crisis”.<sup>40</sup> And yet, while the IEMF helped avert an immediate humanitarian disaster in Bunia, the medium to long-term strategic impact of *Operation Artemis* and, crucially, its impact on the situation for civilians outside the area of deployment, proved far more limited and ambiguous. The principal reason for this was twofold, and point to wider problems raised by third-party efforts to protect civilians in conditions of civil war and the absence of a political process. First, as an assessment produced for the UN secretariat correctly identified, the French-led force’s “strict insistence on the very limited area of operations ... merely pushed the problem of violent aggression against civilians beyond the environs of the town, where atrocities continued”.<sup>41</sup> As UN staff had feared, the result was a “‘relocation’ of fighting and massacres elsewhere in Ituri”.<sup>42</sup> Second, aside from the refusal to extend the mandate beyond Bunia and its airport, the IEMF’s effectiveness was also severely limited by the imposition of a short and non-negotiable timeframe for the withdrawal of the force (the French Government insisted on withdrawing the force by 1 September 2003). In fact, *Artemis* never covered more than a 15x15km area in and around Bunia, even though the

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<sup>37</sup> S/2003/566, 27 May 2003. On 9 May, the head of UN peacekeeping “informed the Security Council ...that, unless it takes decisive action, the possibility of the situation spinning further out of control, with thousands of civilians massacred, could not be excluded”. “Statement on the Situation in Ituri”, 9 May 2003, DPKO.

<sup>38</sup> S/2003/574, 15 May 2003.

<sup>39</sup> S/RES/1484, 30 May 2003.

<sup>40</sup> S/2003/1098, 17 November 2003, pp. 18–19.

<sup>41</sup> “Operation Artemis: The Lessons of the IEMF”, Best Practices Unit, DPKO, 2004, p. 14.

<sup>42</sup> “Note on Meeting with DPA and DPKO on the DRC”, DPKO, 9 June 2003.

DPKO and MONUC on several occasions urged the French Government to take a flexible approach vis-à-vis the deployment and duration of the IEMF.<sup>43</sup>

The consequences for the mission were twofold and exposed the limitations of its protection mandate in the absence of a wider political settlement among political elites and key regional players; limitations that have surfaced in other operations – Sudan, CAR and Mali – where POC responsibilities have been assumed in conditions of on-going civil war. First, it ensured that MONUC's protection responsibilities became ever more central to the mission; a process that led to the Council's decision, in December 2008, to give the protection of civilians "priority in decisions about the use of available capacity and resources, over any of the other tasks".<sup>44</sup> Next, and linked to this, in the wake of the Ituri crisis, a steady expansion of UN troop numbers and a mandate change authorising peacekeepers "to use all necessary means to fulfil its mandate",<sup>45</sup> signalled a shift towards more robust peacekeeping and a more proactive use of force. This shift was especially notable from 2004-5 onwards when UN peacekeepers, with and in support of the new Congolese Army, engaged in what Jean-Marie Guéhenno described as the "aggressive pursuit" of "negative" forces in the east.<sup>46</sup>

The effect of these operations, however, was decidedly mixed, not least because of the appalling human rights record of the Congolese Army with which MONUC was allied and to which it was lending direct operational support, a reality that weakened MONUC's legitimacy and tarnished its image in the eyes of locals.<sup>47</sup> Enormous logistical challenges, the highly uneven quality of troops serving under UN command, the absence of key enabling capabilities (especially mobility assets) and disunity of command, all combined to weaken further MONUC's ability to provide effective protection. The inevitable result was a seemingly endless cycle of protection crises, the most humiliating of which was the fall of the provincial capital of Goma in November 2012 to forces of the Rwanda-backed *Mouvement du 23-Mars* (M23), which had emerged earlier in the year following a mutiny among soldiers formerly belonging to the *Congrès national pour la défense du peuple* (CNDP) and supposedly integrated into FARDC. The ease with which the provincial capital of North Kivu, with a population of nearly one million, including large numbers of refugees and internally displaced, was overrun in the presence of some 1,500 UN peacekeepers, seemed

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<sup>43</sup> Jan-Gunnar Isberg and Lotta Tillberg, *By All Necessary Means: Brigadier General Jan-Gunnar Isberg's Experience from Service in the Congo, 2003–2005* (Stockholm: Swedish National Defence College, 2012), p. 22.

<sup>44</sup> S/RES/1856, 22 December 2008, para.6.

<sup>45</sup> S/RES/1493, 28 July 2003, para.26.

<sup>46</sup> "DRC: Report of visit from 6-15 March 2006", 20 March 2006, DPKO, UN.

<sup>47</sup> John Holmes, *The Politics of Humanity* (London: Head of Zeus, 2013), pp.138,144-5.



to lay bare the failure of MONUSCO's efforts to bring stability to the east. It also exposed how a large-scale peacekeeping mission had "ended up almost entirely disconnected from any political process".<sup>48</sup>

#### Enter the Force Intervention Brigade, 2013-15

The humiliating fall of Goma did at least serve to galvanise the UN and donor countries into action. This was initially two-pronged. The first step was potentially, and certainly should have been, the most important, involving as it did an international diplomatic effort under the auspices of the UN, the Africa Union (AU) and South African Development Community (SADC) to re-energise a long-dormant political process in the search for a wider settlement among actors within the country and across the region. In encouraging a more substantive dialogue between the DRC and its neighbours, above all, Rwanda, the initiative rightly, though this had long been obvious, recognised that long-term stability in the DRC was impossible without progress towards a broad-based political settlement. A promising step in this direction was the agreement, reached by 11 countries in February 2013, on a Peace Security and Cooperation Framework for the DRC and the Region (PSCF).<sup>49</sup>

The second element of the response to the fall of Goma was the decision to strengthen MONUSCO's ability – through an increase in resources and a change in mandate giving peacekeepers a war-fighting role – to confront, in theory, *all* armed groups in eastern Congo, estimated to number more than fifty and "ranging from neatly structured militias to ragtag bandit gangs".<sup>50</sup> Authorised by the Council in March 2013 as a specialised unit within MONUSCO and consisting of some 3,000 troops from South Africa, Tanzania and Malawi, a Force Intervention Brigade was tasked with carrying out "targeted offensive operations" to neutralize, defeat and disarm all armed groups in eastern DRC.<sup>51</sup> Although MONUSCO's Chapter VII mandate had long since been beefed up to allow for robust action by its peacekeepers, and fighting in the east had at times, especially in 2005 and 2006, been extensive, Resolution 2098 marked a qualitative change; a fact widely recognised, whether welcomed or viewed with apprehension, by observers, diplomats and UN officials.

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<sup>48</sup> Jean Arnault, "A background to the report of HIPPO", CIC, 6 August 2015.

<sup>49</sup> "Peace Security and Cooperation Framework for the DRC and the Region (PSCF)", 24 February 2013.

<sup>50</sup> Christoph Vogel, "Islands of Stability or Swamps of Insecurity?", *Africa Policy Brief*, No.9, 2014, pp.1-2. That figure has since increased. See footnote no.8.

<sup>51</sup> S/RES/2098, 28 March 2013, para.12 (b). The idea for the FIB came initially from the International Conference on the Great Lakes Region (ICGLR), which at first conceived of it an offensive non-UN force to deal with armed groups in eastern DRC.

The hopes initially vested in the FIB by Ban Ki-Moon and diplomats in New York appeared to be borne out early on when offensive operations alongside the Congolese army in October and November 2013 looked to have brought about a swift defeat of M23.<sup>52</sup> Since the removal of M23, however, the FIB's readiness to engage other armed groups, notably the *Forces Démocratiques de Libération du Rwanda* (FDLR), has been far more half-hearted. The FDLR, which includes remnants of the ex-FAR and *Interahamwe* militia members that fled into eastern Congo after the Rwanda genocide, is notorious for its record of mass atrocity crimes. While estimates of the number of FDLR combatants has declined, now ranging from 1,500 to 5,000, the group remains a critical source of regional instability, in part because of its alliances with other militia groups but, more importantly, because its presence and predatory activities have provided Rwanda with a standing justification for continuing its own interference in eastern DRC.<sup>53</sup> By mid-2014, the Secretary-General reported that while "some progress" had been made in tackling "the recurring cycles of violence in eastern Congo", it was "still too slow and remain[ed] extremely fragile."<sup>54</sup> A long-awaited Strategic Review of MONUSCO presented to the Council some six months later concluded bluntly that "the military defeat of M23 notwithstanding, Congolese and foreign armed groups ... continue to pose a threat to the civilian population and the overall stability and development of the eastern DRC and the Great Lakes region."<sup>55</sup> Developments since then have done nothing to change this grim picture.<sup>56</sup> In short, the "step-change" in the use of force represented by the FIB has not addressed the underlying political issues at the heart of conflict and the complex political economy that drives much of the violence. FIB's creation has reinforced rather than moved beyond the mission's established pattern of "band-aid protection, usually responding to the symptoms of violence rather than addressing the fundamental causes of that violence through a political-military strategy."<sup>57</sup>

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<sup>52</sup> "DRC claims defeat of M23 rebels", 5 November 2013, [www.bbc.co.uk/news/world-africa-24815241](http://www.bbc.co.uk/news/world-africa-24815241). The decisiveness of M23's defeat soon came into question as significant numbers of M23 combatants, including its commander, Sultani Makenga, crossed into Uganda shortly after the supposed rout. S/2013/757, 17 December 2013, paragraph 40 and 20.

<sup>53</sup> "FDLR: Past, Present, and Policies", DRC Affinity Group, SSRG, March 2014.

<sup>54</sup> S/2014/450, 30 June 2014, para. 86.

<sup>55</sup> S/2014/957 ("Strategic Review"), 30 December 2014, para. 16.

<sup>56</sup> See reports of the Secretary-General on MONUSCO, S/2015/172, 10 March 2015, and S/2015/486, 26 June 2015.

<sup>57</sup> Alan Doss, "In the Footsteps of Dr Bunche", *Journal of Strategic Studies*, Vol. 37, No.5, October 2014, p.730. See also Hannah Cooper, "More harm than good? UN's Islands of Stability in DRC", OXFAM, 8 May 2014.

What accounts for the FIBs failure and, more broadly, what does it teach us about the limits of robust peacekeeping and the nature of the civilian protection challenges facing MONUSCO? Three sets of issues stand out.

#### The Politics of Peacekeeping Participation and TCC attitudes to risk and the use of force

The FIB was formally established to deal decisively with the long-standing threat posed by multiple armed groups operating in eastern DRC: the M-23 to be sure, but also a myriad of other groups: “the FDLR, the ADF, the APCLS, the LRA, the National Force of Liberation (FNL), the various Mayi Mayi groups and all other armed groups.”<sup>58</sup> But there were other, not explicitly articulated, reasons for its creation that help explain its limited success in dealing with armed groups and offering meaningful protection to civilians. These are important to flag because they underline the degree to which politics and interest-based calculations by TTCs shape both the decisions to contribute to UN peacekeeping and, crucially, the character and nature of those contributions once deployed. With regard to the creation of the FIB, two considerations point to the importance of politics and TCC interests.

First, the principal contributors to the Force, South Africa and Tanzania, were prepared to go on the offensive against the M23 because they saw the movement as an instrument of Rwandan policy in the region. As such, the FIB’s initial and very robust operation had a crucial regional political dimension to it with South Africa in particular anxious to rein in Paul Kagame perceived hegemonic aspirations.<sup>59</sup> Following the apparent defeat of the Rwanda-backed M23 and the withdrawal of its troops into Rwanda and Uganda (many still to be demobilised), however, the FIB proved far less prepared to target other groups, including the FDLR. In short, the origins and activities of the FIB are, at least in part, better understood in terms of regional politics and the political agendas held by key troop contributors, than as a principled willingness of traditional TCCs to experiment in more robust peacekeeping.<sup>60</sup>

Second, following the fall of Goma in 2012, enthusiasm within sections of the Secretariat and among Council members for the FIB and its more aggressive concept of operations was partly a function of mounting unhappiness with the performance of many

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<sup>58</sup> S/RES/2098, para. 8.

<sup>59</sup> Kagame’s determination to track down and “silence” Rwandese dissidents abroad is one factor that has contributed to the deterioration of relations between South Africa and Rwanda. Interview with UN official, February 2015. See also Geoffrey York and Judi Rever, “Rwanda’s Hunted”, *Globe and Mail*, 2 May 2014.

<sup>60</sup> “Congo: Ending the Status Quo”, Africa Briefing No.107, ICG, 17 December 2014, p.13.

MONUSCO contingents wedded to “static and passive” deployments, unwilling to conduct patrols to vulnerable areas and limiting “patrolling activities to daylight hours only”.<sup>61</sup> By late 2014, however, the sub-optimal performance and reluctance to use force were found to extend to the FIB as well, which the Secretary-General now felt needed to “be re-energized to take a lead planning and combat role in joint offensive operations with FARDC”.<sup>62</sup> The Strategic Review also called on other contingents to become “more engaged in joint operations”. The evident reluctance to do so is partly a reflection of continuing capacity gaps within the mission. It also, however, reflects long-standing differences among TCCs regarding the use and utility of force by peacekeepers, as well as about the kind of risks to which member states are prepared to expose their troops.<sup>63</sup>

There is a further consideration here. As Alan Doss, SRSG in the DRC from 2007 to 2010, has noted: “TCC’s have often proved risk adverse and reluctant to engage in the kind of robust peacekeeping that civilian protection on occasion demands, part of the reason for this is ... [is] that the UN itself has not been as straightforward with TCCs as it should have been. Too often the pressure to generate troops outweighs frankness and has led the UN to underplay the risk factor for fear of discouraging potential contributors. Subsequently, when robust operations have been required, contingents have responded by saying that they had not signed up for such operations and were not equipped to undertake them.”<sup>64</sup>

#### Civilian Protection, Expectations and “Security Partners”

Reporting on the implementation of POC mandates in eight on-going UN operations, the UN Office of Internal Oversight Services (OIOS) in 2014 welcomed the FIB’s offensive mandate as a “new way of protecting civilians.”<sup>65</sup> The history of MONUSCO since adopting this “new way”, however, will only have reinforced lessons and highlighted policy dilemmas from earlier operations when, between 2003 and 2011, UN peacekeepers and the Congolese army had gone on the offensive against armed groups in the east. Those operations had shown that while the growing emphasis on civilian protection raised expectations among local populations, the inability of under-resourced, over-stretched and under-performing peacekeeping contingents to meet those expectations, rather than leading to a

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<sup>61</sup> “Strategic Review”, para.30.

<sup>62</sup> Ibid., para. 51.

<sup>63</sup> “Ending the Status Quo”, p.7. See also “Opinions Divided over Protection of Civilians”, 5 November 2015, [www.un.org/press/en/2015/gaspd597.doc.htm](http://www.un.org/press/en/2015/gaspd597.doc.htm)

<sup>64</sup> Alan Doss, E-mail correspondence, 12 September 2013.

<sup>65</sup> A/68/787, OIOS, 7 March 2014, para.5.

reassessment of strategy and mission objectives, increased pressure on mission leaderships to plug protection gaps in a “band-aid” fashion. While tactical “victories” provided a measure of protection in *some* localities for *limited* periods of time, the effect elsewhere was an increase of predation and violence targeting civilian populations, and a consequent surge in the number of internally displaced (as illustrated by 2003 Ituri crisis and the effects of Operation *Artemis* discussed above).

The mechanism behind this perverse outcome is not unique to the UN’s experience in Congo.<sup>66</sup> Indeed, MONUSCO’s experience points to a fundamental dilemma that has frequently been faced by ill-equipped and over-stretched peacekeepers mandated to act robustly in conditions where there is no peace to keep. On the one hand, the expectation that physical protection is about to be extended by peacekeepers to a civilian population threatened by an armed group will prompt that group to step up attacks against the threatened population before effective protection can be provided, a calculation whose sinister logic has been played out repeatedly in Congo and elsewhere.<sup>67</sup> At the same time, the hope that protection will be forthcoming has, unsurprisingly, encouraged vulnerable civilians to seek refuge, often in large numbers, in locations where peacekeepers are deployed. Given the reality that UN troops are thinly spread out, logistically hamstrung and devoid of reserves and critical force multipliers, such locations have – as in Congo, South Sudan, Mali and the CAR – provided attractive targets for attack. Faced with these kinds of challenges to its protection mandate, but also because its overall mandate is in support of the authority of a legally constituted host government, the UN has had to rely on and work with national authorities and their security forces. Such reliance, however, has created its own set of problems as local allies, themselves parties to on-going conflict, have proved deeply abusive in pursuit of their own political and military agendas. In the case of the DRC, as Jean-Marie Guéhenno later noted, following the elections of 2006, the UN “kept a central military role, becoming almost an auxiliary of the government in the east.”<sup>68</sup> And yet the

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<sup>66</sup> For a sophisticated study of these mechanisms in Congo, see Emily Paddon Rhoads, *Taking Side in Peacekeeping* (Oxford: OUP, 2016); for similar dynamics in South Sudan, see Michael Arensen, “Lessons Learned from South Sudan Protection of Civilian Sites 2013-2016”, IOM Report, 2016.

<sup>67</sup> Following a visit to DRC on the eve of elections in 2006, the head of DPKO concluded: “The UN military operations also produce negative consequences. UN Agency and NGO personnel have reported new waves of IDPs fleeing armed groups under UN pressure, which are inflicting reprisals on the civilian population.” “DRC: Report of visit from 6-15 March 2006”, 20 March 2006, DPKO.

<sup>68</sup> Marie Guéhenno, *The Fog of Peace* (Washington, DC: Brookings Institutions Press, 2015), p.159.

predatory and abusive practices of the ill-disciplined Congolese army persisted, further corroding the image and legitimacy of MONUSCO in the eyes of local populations.<sup>69</sup>

### Neglect of political follow-up

The single most important reason for the failure of the FIB to arrest the recurring cycles of violence in the east lies, paradoxically, not with the FIB itself. It lies, rather, in the larger failure to connect and properly align the activities of the FIB, and indeed those of MONUSCO as a whole, with a longer-term strategy geared towards reaching a political settlement among elites in Congo and across the region – a strategy that would need to be based on an understanding of the interdependence of local, national and regional drivers of conflict, and the critical importance of substantive as distinct from largely symbolic security sector reform aimed at creating a truly national and integrated Congolese army. The UN-brokered PSC Framework of February 2013 and the appointment of a UN Special Envoy to ensure “convergence of all initiatives” towards more “durable solutions”, were, certainly on paper, steps in the right direction. They depended critically for their success, however, on sustained political follow-up and, in the words of Jean-Marie Guéhenno, “strategic engagement in the politics of Congo”, including from the Security Council.<sup>70</sup> The dangers of this *not* happening and the deeper source of the FIB’s failure were perceptively recognised at the time by seasoned observers of the region who noted how the “new initiative [FIB] is not formally linked to any wider political strategy for dealing with armed groups; there are no clear follow-up measures, nor is there a new demobilization plan, nor any new provision for security sector reform.”<sup>71</sup> In the end, it did not take long before the initiative to align the political and diplomatic efforts through the PSCF with the activities of MONUSCO petered out.<sup>72</sup> Reflecting on his experiences in the DRC, John Holmes identified one of the key reasons for the repeated lack of sustained political follow-up. The DRC, he resignedly noted in his memoirs, “was, in fact, something of a diplomatic orphan”, and “it was not clear that those in charge in Washington, Moscow, Beijing, Paris or London were prepared to put in the tough diplomatic miles to turn the situation around.”<sup>73</sup>

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<sup>69</sup> This became especially clear during a series of anti-FDLR campaigns – Unmoja Wetu, Kimia II and Amani Leo – conducted by the FADRC with MONUC operational support between 2009 and 2012. See “Report of Special Rapporteur, Philip Alston”, A/HRC/14/24/Add.3, 1 June 2019; and “Eastern DR Congo: Surge in Army Atrocities”, Human Rights Watch, 2 November 2009

<sup>70</sup> Guéhenno, *The Fog of Peace*, p.160.

<sup>71</sup> Stearns, Verweijen and Baaz, *The National Army and Armed Groups*, p.61.

<sup>72</sup> “Ending the Status Quo”, p.6

<sup>73</sup> Holmes, *Politics of Humanity*, p.139.

## **Whither UN peacekeeping and Implications for UN's role in peace and security**

Any discussion about the future direction of UN peacekeeping and its place within UN's overall mission of promoting of peace and security must start with current realities and the world as we find it, not ideal scenarios or hoped-for developments. It must factor in the balance of geopolitical influences, power relationships and normative developments that bear upon the UN's role in international politics, and it must seek to understand how these have evolved and shifted over time. It does *not* follow from this, however, that the history of UN peacekeeping - including the "Cold War" period and the 1990s - does not also offer lessons of a more fundamental and less transient kind; lessons not beholden to the preoccupations and particular circumstances of any given time and place. UN field operations since 2000, not only in the DRC but equally in Darfur, CAR, Côte d'Ivoire, Mali, South Sudan, and elsewhere, serve to reinforce two of these more enduring lessons, and both honesty and realism about their operational and political implications are required before any assessment can be made of the true prospects for UN peacekeeping and, in particular, for the role of force in future operations. The first of these has to do with the identity and cohesiveness of any military force under UN command, that is, a force authorised by the Council, supported and directed by the Secretariat and drawing for its strength upon the contributions of numerous TTCs. The second concerns the distinctive and inescapable challenges that confront any such force when it deploys in situations of intra-state conflict and civil war.

### The Chimera of Force Cohesion and Unity of Command

There is a natural limit – insufficiently recognised in much of literature on UN reform – to how far the historical weaknesses and deficiencies of UN field operations can ever be more than partially mitigated, let alone overcome. This is true, above all, for the holy grail of mission cohesion and unity of command, or what Kofi Annan, in an effort to stiffen the resolve of troop contributors to the UN's flailing mission in Sierra Leone in August 2000, emphasised as "the international character of the Force and the overarching need to respect the UN chain of command."<sup>74</sup> While the ideal embodied in Annan's admonition needs to be stated, it also needs to be recognised for what it is: an ideal. Conflicting national priorities,

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<sup>74</sup> "UNAMSIL – Meeting of COS", 18 August 2000, DPKO.

limited resources and risk-aversion among TCCs will always ensure that missions will be hampered by split and uncertain loyalties. Similarly, the stubborn persistence of cumbersome financial and procurement regulations, and the haphazard and unreliable provision of key capacities and force enablers, notably in logistics, intelligence, engineering, aviation support and reserves, will continue to define “outer limits for UN peacekeeping operations”.<sup>75</sup> One can try to mitigate these weaknesses and spurts of reform, including the steps taken in the wake of the Brahimi Report, can have a beneficial impact. In the end, however, these and other reform efforts have, at best, only attenuated rather than eliminated deep, inbuilt and, as far as military effectiveness is concerned, ineradicable weaknesses. And there is a further consideration here.

Developments since 2000 have given rise to a paradoxical, one might say perverse, dynamic. On the one hand, the now routine deployment of peacekeepers to areas where there is no peace to keep, the centrality of the civilian protection mandate and concomitant emphasis on robust peacekeeping, have all *heightened* the operational importance of ensuring that UN missions are properly resourced and do in fact function as cohesive and integrated formations. On the other hand, these very developments have served to accentuate the debilitating impact of existing weaknesses, especially the readiness of TCCs to pay more than lip service to formal command and control obligations. The reasons for this are partly practical. Protecting civilians alongside other peacekeeping tasks in conditions of internal armed conflict pose operational challenges that UN forces are particularly ill-suited to address given the nature of the capacity gaps that plague UN peacekeeping. Even if this limitation were addressed, however, differences among TCCs in how mandates are interpreted and, specifically, over attitudes to the use of force, point to more serious obstacles of a political nature. When it was decided to adopt a new concept of operations and respond more aggressively to further threats to the mission in Sierra Leone in August 2000,<sup>76</sup> Jordan, Malaysia and India decided to withdraw their forces. In more recent cases where contingents have not actually withdrawn, the aforementioned report by the OIOS found - entirely unsurprisingly - evidence “that a de facto dual line of command exercised by troop-contributing countries over their troops serving in peacekeeping missions regulates the use of force in missions.”<sup>77</sup> Significantly, and as noted above, the TCCs that now provide the bulk of peacekeepers, India, Bangladesh and Pakistan, as well as many contributors from Latin America, remain deeply sceptical about the trend in favour of ever-more robust use of

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<sup>75</sup>“Uniting Our Strengths for Peace”, p.x.

<sup>76</sup> S/RES/1313, 4 August 2000, para.3 (b).

<sup>77</sup> A/68/787, 7 March 2014, para.35.



force by UN peacekeepers.

### Peacekeeping in Civil Wars

The most significant contextual development in the *longue durée* of UN peacekeeping is the shift in operational focus that began as the Cold War was coming to an end – a shift away from deployments designed to mitigate and contain conflicts *between* states, towards deployments *within* states weakened, traumatised and divided by civil war and state fragility. There are important exceptions to the Cold War pattern of inter-state deployments and the experiences of peacekeepers in Congo in the early 1960s and Lebanon in the late 1970s and early 1980s in particular, offer lessons that remain relevant to contemporary peacekeeping. As a general trend, however, the shift towards internal peacekeeping is unmistakeable and, indeed, all but one of the twenty-one new operations launched since 1999 have been deployed in situations of latent and, increasingly, on-going civil wars. And yet, beyond the perfunctory acknowledgement that realities on the ground have changed and peacekeepers remain badly under-resourced to confront “new realities”, the critical importance of this development has been underplayed in the most recent cycle of soul-searching about the future on UN peace operations. More precisely, far too little attention has been given to the structural impediments to effectiveness in UN peacekeeping that inhere in the very condition of civil war, especially in circumstances where operations extend over time and where, partly as a result, the UN’s field presence has become decoupled from any meaningful political process aimed at reaching lasting settlements among parties to the conflict.

In part, these impediments have to do with the volatile environment that typically characterise such conflicts, key features of which have included: the absence of clear front lines; the presence of large numbers of internally displaced; numerous armed groups, often poorly controlled and prone to preying on civilians; war-ravaged infrastructure spread over vast geographical distances; and, persistent insecurity fuelled by predatory political economies and power struggles among elites over control of territory, populations and the location of governmental authority.

For UN missions operating in such settings there is, however, a more fundamental challenge: a UN force deployed within the jurisdiction of a sovereign state in which the host government is faced with internal challenges to its authority will find it impossible, especially over the long run, to remain above the domestic political fray, however much it may aspire

to do so. As Alan James astutely notes: “On an internal scene a government is but one of the actors; in one degree or another the political balance is likely to be in constant movement; and the way in which a UN force responds may well have some impact on the balance, or – which in effect comes to the same thing – be seen as shifting the balance.”<sup>78</sup> The robust use of force, in particular, cannot but have an impact on that political balance and thus pose a threat to the UN’s chief asset as an interlocutor in internal conflicts: its perceived impartiality in relation to the disputants. Given this reality, it should not come as a surprise that relations between UN missions and host governments in internal scenarios have invariably deteriorated over time as the host governments – weak, deeply suspicious of outside meddling and protective of their sovereign rights – become increasingly resentful of obstacles to their unfettered control over internal affairs. And when, as in contemporary peacekeeping, the mandates given to the UN mission are themselves intrusive and include politically sensitive and potentially conflicting objectives, tensions are unavoidable.

#### Limits to Coercion: and the UN’s role in international peace and security

With regard to the future of “robust peacekeeping” and its connection to the broader question of the UN’s role in peace and security, it is important to draw the right conclusions from the preceding analysis.

The first of these is the need to reaffirm the validity of the basic distinction between what is essentially a peacekeeping operation and one that is premised on the logic of war fighting and enforcement. The meaning of “essentially” in this context has little to do with whether or not a mission has been formally authorised under Chapter VII of the Charter; by now, almost all are as a matter of routine. The key to the distinction lies in whether or not achieving mission objectives is dependent, in the final analysis, on building consent and support among parties to a given conflict as part of a wider effort – of which peacekeeping is merely *one* part – to shore up or lay the foundations for a lasting political settlement. The history of peacekeeping since 1999 shows just how fragmentary and incomplete such consent can be, quite especially in conditions of civil war. Combining activities that rely on consent, cooperation and access with offensive military operations, all within the same mission, have historically proved highly destabilising, politically as well as in humanitarian terms. An inescapable corollary of this is that there will be circumstances when the

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<sup>78</sup> Alan James, “The Congo Controversies”, *International Peacekeeping*, vol.1, no.1, 1994, p.46.

instrument of peacekeeping is not appropriate. UN peacekeeping since 1999 does not fundamentally alter these lessons.

Now, while the qualitative distinction between peacekeeping and enforcement must be reaffirmed, it does not follow that the UN can or should *only* operate in environments where distinctions are clear-cut and simple, or that the use of force cannot, at the margins and in the right circumstances, be used with, potentially, positive effect. There are instances since 1999 when properly equipped and properly commanded forces have scored tactical victories in response to immediate crises and emergencies: preventing the collapse of the UN mission in Sierra Leone in 2000; dismantling the gang-structures in Haiti in 2006-7; securing Bunia in eastern DRC in 2003, and in defeating Laurant Gbagbo's violent challenge to the outcome of elections in Cote d'Ivoire in 2011. In evaluating these tactical successes, however, it is vital not to lose sight of the wider, and more critical, lessons offered by the case.

For one, all of these involved well-resourced and highly capable forces, precisely what UN missions have tended to lack. Moreover, the military challenge faced in each case, though determined and real, was mounted by marginal actors and was, ultimately, unimpressive. But far more important than these qualifications is the fact that the long-term effectiveness and strategic impact of these and similar actions depended – and always will depend – on whether the actual use of force is linked and properly calibrated to serve political purposes. With the partial exception and special case of Sierra Leone, the link between military action and political purpose has been weak to non-existent in UN operations since 1999. In Sierra Leone, UK military intervention was able to check, at a critical juncture, advances by the Revolutionary United Front (RUF) and other armed groups in the country. Crucially, however, this short, sharp and limited action, was followed by concerted diplomatic moves aimed at shoring up the post-war political dispensation, including a sustained effort to galvanise others to contribute to a beefed up and reconfigured UN mission and, above all, a serious commitment to reforming and professionalising the country's armed forces. As a fine-grained study of the UK's intervention makes clear, even though the "use of force was critical in creating an opportunity for political progress, it was not in itself decisive or even that strategically significant" – long term success was contingent on political follow-up at the UN and regionally, underpinned by a credible programme of security sector reform.<sup>79</sup> In Haiti, by contrast, "tactical success through the use of force led to only limited strategic payoffs ... with MINUSTAH struggling to

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<sup>79</sup> David Ucko, "Lessons from Britain's Success Story in Sierra Leone", *Journal of Strategic Studies*, vol.39, 2016.

integrate the use of force into a larger project for Haitian political and economic transformation".<sup>80</sup> A similar picture emerges from the various applications of robust force in the DRC, including Operation Artemis in 2003, whose stabilising effects were highly localised and displaced violence, including widespread atrocities, elsewhere, as well as the Ituri campaign of 2005. The FIB has only further underlined a basic truth: UN peacekeeping missions remain structurally ill-equipped and politically ill-suited to use force effectively in support of strategic objectives.

In the end, the single most important implication to flow from the analysis above is that UN peacekeeping in and of itself – and most certainly robust peacekeeping of the kind attempted over the past decade and a half – does not provide the royal road to addressing deep-seated and violent conflict in fragile and conflict-ridden states. UN peacekeepers can undertake a range of ancillary tasks aimed at strengthening and helping in the search for a lasting political settlement. That range is now longer and more complex than it was in the era of "classical" peacekeeping and includes security sector reform, humanitarian support activities, complex monitoring and confidence-building tasks. When conditions require and resources permit, peacekeepers may also be in a position to respond locally to obstructionist violence and immediate emergencies. These are all important tasks and the scope for improving the quality of delivery in each is considerable, especially in the vital area of security sector reform, which, all too often, has been half-hearted, under-funded, overly technocratic and ignorant of the political economies of conflict, with predictably shambolic results. But they are *ancillary* tasks in the sense that their lasting contribution to addressing conflict depends not only on how effectively they are delivered but, more importantly, on whether they are aligned to the overriding objective of arriving at and helping to consolidate viable political settlements. In other words, UN field operations and activities, which have become increasingly divorced the central enterprise of mediating and reaching political settlements to conflicts, must be reconnected to that enterprise. Encouragingly, this is also a central theme that runs through the report of the High-Level Panel established by Ban Ki-Moon in 2014: an emphasis on the "centrality of negotiated political solutions to internal conflict"<sup>81</sup> and on the supporting role that UN field operations, striving to enlarge the margin of consent among parties to the conflict by nurturing the asset of impartiality, can play in the search for such solutions.

This brings us to a final consideration and it concerns the larger issue of a revitalisation of the UN's role in peace and security. Much of the emphasis above has been

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<sup>80</sup> James Cockayne, "The Futility of Force?", *Journal of Strategic Studies*, vol. 37, no.5, 2014, p. 738.

<sup>81</sup> Arnault, "A Background to the HIPPO", p.4.

on the structural and political constraints that have long placed and, as argued, will continue to place certain inescapable limits on the ability of the UN to act as a coercive agency in international affairs. The geopolitical realities of the day, reflected in the deep divisions that now exist within the Security Council on a range of regional and thematic issues, provide, at one level, further grounds of pessimism about any revitalisation of the UN's role. It is also possible, however, to adjust one's focus and ask what, even in such inauspicious circumstances, the UN has got going for it, what particular advantages it brings, and, indeed, whether the present moment offers opportunities for the organisation to insert itself and play a constructive role in promoting peace and security. After all, peacekeeping itself emerged from the search, as Dag Hammarskjöld put it at the time, for "possibilities of substantive action by the UN in a split world".<sup>82</sup> There is today no doubting the split. As far as the UN carving out a distinct and constructive role for itself, however, the period between 1987 and 1992, that is, the second term of Pérez de Cuellar's time in office, may offer a more interesting historical analogy than the Cold War of the 1950s. This was *not* a period in which Cold War tensions and divisions among the Permanent Member of the Council had all of a sudden been removed: it was period of transition and uncertainty but also, crucially, one of possibilities for independent political action by the UN. Exploiting those possibilities, the UN was able to play a mediating role in helping to wind down the Iran-Iraq war; in brokering a plan for the withdrawal of Soviet troops from Afghanistan; in facilitating Namibia's transition to independence; in bringing war to an end in Nicaragua and in negotiating peace accords for El Salvador and Guatemala. The UN's involvement and concrete contribution in each of these cases – including through the deployment of peacekeepers, monitors and election observers as well as centrally-involved mediators – varied greatly, and in some cases were very modest. They proceeded however from an appreciation of both the possibilities and limitations of UN action, and were directed towards the central objective of securing or shoring up viable negotiated settlements.<sup>83</sup> To be sure, the opportunities presented by the tail end of the Cold War were, in important respects, unique, and there is, no doubt, an ephemeral quality to some of the achievements of the period. Even so, the UN and the secretary-general's role during those years, should give pause for thought as the Organisation, its limitations frequently remarked upon and evident for all to see, ponders the political space within which it and the instrumentality of

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<sup>82</sup> "Introduction to the Annual Report, June-1959-June 1960", A/4390/Add.1, p. 4.

<sup>83</sup> For an incisive essay on the role of the Pérez de Cuéllar in "probing on-going conflicts to see whether his skills and the particular advantages of the UN could be applied," see Alvaro de Soto, "A Key United Nations Moment and its Lessons", *UN Chronicle*, No.1 and 2, 2015.

peacekeeping can still to serve as “tool for peace and security.” Over the past fifteen years, the limitations of peacekeeping have been powerfully exposed; the possibilities of independent political action by the UN are far from exhausted.

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